

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:	§	CHAPTER 13
	§	
JUAN A. RAMIREZ &	§	
LISA RAMIREZ	§	
	§	CASE NO. 10-30691-LMC
DEBTORS	§	

**THE CITY OF EL PASO'S OBJECTION TO
CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN**

TO THE HONORABLE COURT:

Now comes the City of El Paso and files this Objection to Confirmation of Debtors' Chapter 13 Plan dated April 1, 2010, and support thereof would respectfully show the Court as follows:

1. The City of El Paso is the holder of a claim in the amount of \$3,262.02 for estimated year 2010 and prior ad valorem taxes on the Debtors' real property situated in the City of El Paso, El Paso, County, Texas. This claim is secured by liens on the property pursuant to sections 32.01 and 32.05 of the Texas Property Tax Code.

2. The City of El Paso objects to the Debtors' Chapter 13 plan in that the plan proposes to pay the entire tax claim direct through an escrow. As the year 2007 taxes remain delinquent, the City of El Paso requests that the Debtors' plan treat the year 2007 tax debt to be paid inside the plan with interest at the rate of 12% per annum.

3. As an over secured creditor, the City of El Paso is entitled to interest on its claim from the petition date. U.S. v. Ron Pair Enterprises, 489 U.S. 235 (1989). Bankruptcy Code Section 1325(a)(5)(B)(ii) requires that the payments to secured creditors have a "present value" equal to creditors' allowed secured claims. The City of El Paso should be allowed interest from the petition date through the date of final payment at the rate of 12% per annum. Rankin v. DeSarno, 89 F.3d 1123, 1130 (3rd Cir. 1996); Galveston ISD v. Heartland Federal Savings and Loan Assoc., 159 B.R. 198 (S.D. Tex. 1993); In re P.G. Realty Company, 1998 WL 229765 (Bankr. E.D. N.Y. April 28, 1998); In Re Davison, 106 B.R. 1021 (Bankr. D.Neb. 1989).

WHEREFORE, based on the foregoing, the City of El Paso respectfully requests the Court enter an Order denying confirmation of the Debtors' plan unless and until the Debtors amend their plan to provide for the claim of the City of El Paso in the amount of \$1,128.84 to be paid through the plan pro-rata with interest at the rate of 12% per annum and the estimated year 2010 tax direct and for such other relief to which it is entitled.

Respectfully submitted,

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Attorney for the City of El Paso

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *City of El Paso's Objection to Confirmation of Debtors' Chapter 13 Plan* was served this 13th day of May, 2010, by First Class Mail upon the following:

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